

**AFFIDAVIT of FACTS**

STATE OF ALABAMA                    )  
  ) SS:  
COUNTY OF Houston                    )

Pursuant to ORC §317.22 (B), now comes the undersigned JAMES A. CONFER, and after first being duly sworn, and makes this Affidavit from personal knowledge and is competent to testify to the matters stated herein, and states that:

1. Affiant is a resident of the State of Alabama.
2. Clem S. Waldorf died on July 30, 1943 and pursuant to a certain Certificate for Transfer of Real Estate recorded at Volume 380, Page 217, Deed Records of Butler County, Ohio, reserved a life estate with power to sell during her lifetime to his surviving spouse, Flora E. Waldorf and a successive life estate to his grandson, William J. Confer, with final distribution to the heirs and next of kin of William J. Confer. The real estate is described on the attached Exhibit A.
3. During her lifetime, Flora E. Waldorf did not exercise her power to sell said real estate.
4. Flora E. Waldorf died on May 24, 1964, which extinguished her life estate. Her death certificate is attached hereto as Exhibit B.
5. William J. Confer died on December 11, 2020. His death certificate is attached hereto as Exhibit C.
6. William J. Confer therefore did not die prior to the death of Flora E. Waldorf and therefore Elizabeth A. Confer and her heirs and next of kin have no vested interest in the property, according to the terms of the last will and testament of Clem S.

Waldorf which is filed with the Probate Court of Butler County, Ohio under Case No. 19043.

7. Since William J. Confer survived Flora E. Waldorf, William retained his life estate until his death.
8. William J. Confer left the heirs and next of kin as listed on the attached Exhibit D, who by his death, inherited by law the real estate described in Exhibit A.

Further Affiant sayeth naught.

  
\_\_\_\_\_  
JAMES A. CONFER, Affiant

The foregoing instrument was acknowledged before me this 9 day of September, 2021 by JAMES A. CONFER, Affiant

  
\_\_\_\_\_  
Notary Public  
*My Commission Expires: 5/29/23*

This instrument prepared by:  
Mayer Law, Ltd.  
PO Box 985  
Waynesville, OH 45068  
513-897-9222

**EXHIBIT D**

**SURVIVING HEIRS AND NEXT OF KIN OF WILLIAM J. CONFER**

<b>NAME</b>	<b>ADDRESS</b>	<b>RELATIONSHIP</b>
1) Diane Lynn Confer, deceased on February 8, 1994, having never married and leaving no issue to survive her		
2) Audrey M. Confer	4918 Ridge Pass Hoover, AL 35226	Surviving Spouse
3) Sharon Ann Shaddix	4918 Ridge Pass Hoover, AL 35226	Daughter
4) James Arthur Confer	102 Littleleaf Ct. Dothan, AL 36301	Son
5) Nancy Sue Thompson	205 Bear Dr. Richland, WA 00352	Daughter

## EXHIBIT A

### Parcel One:

Situate in the Township of Morgan, in the County of Butler and State of Ohio, and being in the north east quarter ¼) of Section Number Two (2), Town Three (3), and Range One (1) East of the meridian line drawn from the mouth of the Great Miami River, to wit: Commencing at the northwest corner of said quarter section; thence East 34-79/100 chains to George W. Roberts' lot, thence south 70-41/100 chains to said Roberts' southwest corner; thence West 4-73/100 chains to Jackson Snyder's northwest corner; thence south along said Snyder's west line 30-43/100 chains, thence West 28-90/100 chains to the southwest corner of said Section; and thence North to the place of beginning and containing **116.5 acres** of land.

Property Address: Hamilton Scipio Rd.  
Parcel Number: 631210002000002

### Parcel Two:

Situate in the Township of Morgan, in the County of Butler and State of Ohio and being part of Section Number two (2), Town three (3), and Range One (1) East of the meridian line drawn from the mouth of the Great Miami River bounded as follows: Beginning at a point on the half section line of said Section Two (2), 13 chains and 8 links east of the northwest corner of the south east quarter of said section at the corner of land formerly owned by Fred Schearer; running thence westwardly along said half section line to the lands of David Wynn; thence South on a line parallel with the west line of said section to the south line of said section; thence eastwardly along said south section line to the lands of Fred Schearer; thence northwardly on a line parallel with the east line of said section to the place of beginning, containing one hundred (**100**) acres of land; Fifty (50) acres being in the southeast quarter and Fifty (50) acres in the southwest quarter of said Section Number Two (2).

Also a certain strip of land, nine (9) feet wide for part of the same and 18 feet wide for the remainder of the distance as described in a certain deed from Frederick Schearer and Mary Schearer, his wife, to Henry Nein by deed dated September 26, 1883, and recorded in Vol 82, Pg. 495 of the Deed Records of Butler County, Ohio; together with all rights of a certain perpetual lease for right of way for traveling purposes granted by Samuel Frye unto Henry Nein, by certain lease dated September 21, 1883, and recorded in lease record Number 2, Page 441 of the Lease Records of Butler County, Ohio; to which deed and lease, reference is herein made, and being the same premises as conveyed by Ellsworth H Michael to Clem S Waldorf by deed recorded in Vol. 305, Pg. 499 of the Deed Records of Butler County, Ohio.

Property Address: 1301 Robinson Road  
Parcel Number: G3210002000006

### Parcel Three:

The southeast part of the northeast quarter of Section Two (2), Town Three (3), Range One (1) in Morgan Township, Butler County, Ohio, containing twenty nine (**29**) acres, and being the same premises as that conveyed by Peter W Schlemmer to Clem Waldorf by deed recorded in Deed Book No. 310, Pg. 325, of the Deed Records of Butler County, Ohio.

Property Address: Robinson Road  
Parcel Number: G3210002000004  
Prior Instrument Reference: Vol. 380, Pg. 217, Official Records, Butler County, Ohio

**ALTA COMMITMENT FOR TITLE INSURANCE  
ISSUED BY**



101 Corporate Place, Rocky Hill, CT 06067

Issuing Office File Number: 21-695

**SCHEDULE B, PART II  
Exceptions**

THIS COMMITMENT DOES NOT REPUBLISH ANY COVENANT, CONDITION, RESTRICTION, OR LIMITATION CONTAINED IN ANY DOCUMENT REFERRED TO IN THIS COMMITMENT TO THE EXTENT THAT THE SPECIFIC COVENANT, CONDITION, RESTRICTION, OR LIMITATION VIOLATES STATE OR FEDERAL LAW BASED ON RACE, COLOR, RELIGION, SEX, SEXUAL ORIENTATION, GENDER IDENTITY, HANDICAP, FAMILIAL STATUS, OR NATIONAL ORIGIN.

The Policy will not insure against loss or damage resulting from the terms and provisions of any lease or easement identified in Schedule A, and will include the following Exceptions unless cleared to the satisfaction of the Company:

1. Any defect, lien, encumbrance, adverse claim, or other matter that appears for the first time in the Public Records or is created, attached, or is disclosed between the Commitment Date and the date on which all of the Schedule B, Part I — Requirements are met.
2. Rights or claims of parties in possession.
3. Mechanics', contractors' or materialmen's liens or lien claims for labor, services or materials furnished where no notice thereof is recorded in the Public Records.
4. Encroachments, overlaps, boundary line disputes, violations, variations, adverse circumstances, or any other facts that would be disclosed by an accurate and comprehensive survey or personal inspection of the Land.
5. Easements or claims of easements not shown in the Public Records.
6. No insurance is afforded as to the amount of acreage comprising the Land.
7. Liens for real estate taxes, assessments or other sums owed to a government or governmental authority where no notice thereof appears in the Public Records.
8. Oil and gas leases, pipeline agreements or any other instrument related to the production or sale of oil or natural gas arising after Date of Policy.
9. Any lease, grant, conveyance, exception or reservation of minerals, mineral rights, oil, gas, water, or other subsurface substances appearing in the Public Records.
10. Title to, and easements in, any portion of the Land lying within any highways, roads, streets, or other ways.
11. Subject to the Easement of County of Butler, State of Ohio, recorded on January 22, 1990 in Book 1686, Page 238 in the official records of the Butler County Recording Office.

This page is only a part of a 2016 ALTA® Commitment for Title Insurance issued by CATIC. This Commitment is not valid without the Notice; the Commitment to Issue Policy; the Commitment Conditions; Schedule A; Schedule B, Part I—Requirements; and Schedule B, Part II—Exceptions; and a counter-signature by the Company or its issuing agent that may be in electronic form].

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12. Subject to the Easement of County of Butler, State of Ohio, recorded on January 21, 1990 in Book 1686, Page 242 in the official records of the Butler County Recording Office.
13. Subject to the Easement of County of Butler, State of Ohio, recorded April 19, 1995 in Book 5333, Page 441 in the official records of the Butler County Recording Office.
14. Subject to the Easement of Rockies Express Pipeline LLC, recorded August 14, 2007 in Book 7929, Page 1630 in the official records of the Butler County Recording Office.
15. Subject to the Easement of Rockies Express Pipeline LLC, recorded August 14, 2007 in Book 7929, Page 1622 in the official records of the Butler County Recording Office.
16. Subject to the Easement of Rockies Express Pipeline LLC, recorded on August 14, 2007 in Book 7929, Page 1573 in the official records of the Butler County Recording Office.
17. Subject to the Easement of Southwest Regional Water District, recorded September 12, 2007 in Book 7939, Page 2393 in the official records of the Butler County Recording Office.
18. Subject to the Easement of Enterprise Liquids Pipeline LLC, recorded July 3, 2012 in Book 8462, Page 1399 in the official records of the Butler County Recording Office.
19. Subject to the Easement of Butler Rural Electric Cooperative Inc., recorded on October 21, 1937 in Book 9, Page 612 in the official records of the Butler County Recording Office.
20. Subject to the Easement of Butler Rural Electric Cooperative Inc., recorded on April 21, 1941 in Book 11, Page 216 in the official records of the Butler County Recording Office.
21. Subject to the Easement of The Cincinnati Gas & Electric Company, recorded on December 10, 1965 in Book 833, Page 602 in the official records of the Butler County Recording Office.
22. Subject to the Easement of United States of America, recorded on September 24, 1947 in Book 461, Page 274 in the official records of the Butler County Recording Office.
23. Taxes for the year 2021 are unpaid, undetermined and constitute a lien. Real Estate taxes for the year of 2020 on Parcel Number G3210002000002 (116.5 Acres) are \$1,093.63 per half, Parcel Number G3210002000004 (29 Acres) are \$281.02 per half and on Parcel Number G3210002000006 (100.5 Acres) are \$1,917.13 per half and are paid current through the 2020 tax year.  
Note: Delinquent sewer rental charges and water bills may be or become a lien on the real estate. No liability is assumed by this Company for ascertaining the status of past due outstanding or future utility charges and or assessments.
24. NOTICE the taxes have been determined by the Current Agricultural Use Evaluation program and the failure to maintain this acreage in the program will result in recoupment of the past three years tax savings.

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25. The acreage/square footage indicated in the legal description, and/or the address shown on Schedule A, if any, is solely for the purposes of identifying said tract and shall not be construed as insuring the quantity of land, and/or the address as set forth in the description of the property.
  26. The property address and/or tax parcel identification number(s) shown herein are provided solely for informational purposes, without warranty as to accuracy or completeness and are not hereby insured.
  27. Rights of the public to use those portions of the subject premises lying within the bounds of any legal highway.
  28. Any lease, grant, exception or reservation of minerals or mineral rights together with any rights appurtenant thereto.
  29. Oil and Gas Leases, pipeline agreements or any other instruments related to the production or sale of oil and gas which may arise subsequent to the date of this opinion.
  30. Any invalidity, unenforceability, lack of priority, defect, lien, encumbrance, adverse claim, or other matter created by or arising out of the inaccessibility of the Butler County Recorder's Office, including, but not limited to, (i) an inability to search the public records after April 23, 2020, (ii) any delay in recordation of the documents vesting title or creating the lien of the insured mortgage in the public records, or (iii) any claim based on an assertion that the recording of the Insured Mortgage failed to be timely. ( At this time the Adams County Administration office are open and filing documents timely.)
  31. Any titles or rights asserted by anyone, including but not limited to persons, corporations, governments, or other entities, to tidelands or land comprising the shores or bottoms of navigable rivers, lakes, bays, oceans or gulfs or lands beyond the line of the harbor or bulkhead lines established or changes by the United States Government or riparian rights, if any, and title to any filled-in-lands.

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